

# Oconee County Board of Zoning Appeals



415 S. Pine Street  
Walhalla, SC 29691  
Telephone (864)638-4218 Fax (864)638-4168

## ORDER ON APPEAL APPLICATION

**Application Date: July 13, 2012**

**Public Hearing Date: August 16, 2012**

The Board of Zoning Appeals held a public hearing on August 16, 2012 to consider the request for an Appeal of staffs' decision made by Mr. Larry Brandt, on behalf of the St. John's Lutheran Church, from Section 38-2.6 of the Oconee County Code of Ordinances. The applicant is requesting reversal of staffs' decision to verify petitions for the Biggerstaff Road and Surrounding Area Rezoning Request (rezoning area).

After consideration of the evidence and arguments presented, the Board makes the following findings of fact:

1. Staff acted in accordance with established policies in place at the time petitions were reviewed; however,
2. Petitions were on separate documents that were not standardized for the rezoning area; and,
3. Petitions did not contain consistent verbiage that reflected the final rezoning area submitted to County Council for 1<sup>st</sup> reading; and,
4. Petitions for the rezoning area were signed from October of 2008 through the beginning of 2012; and,
5. Crescent Resources LLC never signed a petition but agreed to consent to rezoning; and,
6. Certain petitions did not mention the areas outside of their named subdivision; and,
7. Certain petitions mentioned that the petitioners were agreeing for their property, their named subdivision, and much of the surrounding area was to be rezoned; and,
8. There was no format prescribed for how petitions should be worded in order to be validated; and

THE BOARD, THEREFORE, concludes:

1. That, at the time, staff acted in accordance with established policies and procedures at the time of the review; and,
2. That certain petitions, being called into question, would result in the 51% standard under Sec. 38-8.5 (2) not being met. Therefore, the request would not have been presented to Council; and

3. Staff should have used a reasonable policy and required uniform petitions for the area that was presented to Council.

Date issued: 8/23/12

  
Chairman

  
Secretary

Date mailed to parties in interest: \_\_\_\_\_

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.

# Oconee County Community Development

415 South Pine Street, South Carolina 29691

Phone: 864-718-1005 (Codes); 864-638-4218 (Planning & Zoning)

Fax: 864-638-4168



### Section 1: Applicant Information (Individual filling out application)

Name Bonnie Holmes  
Address 207 Fisherman Lane  
City Seneca State SC Zip Code 29672-0565  
Relationship to project Owner / Administrator

### Section 2: Contractor Information (who is responsible for the work)

Residential Builder  Residential Specialty  General Contractor  
 Manufactured housing  Owner Builder  Other

SC License # \_\_\_\_\_ Expiration date \_\_\_\_\_

Contractor Name \_\_\_\_\_

Company Name \_\_\_\_\_

Superintendent \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone 865-9295 Mobile \_\_\_\_\_

Number inspector should use for contact prior to inspection \_\_\_\_\_

email \_\_\_\_\_

### Section 3: Property Information (Tell us about the property)

Project Address 207 Fisherman Lane

City Seneca State SC Zip Code 29672

Subdivision Keowee Cove Lot Number 36

Tax Map Number 150-00-01-369

Gate Code (if applicable) \_\_\_\_\_

Zoning District CFD, Lake Overly District

Property Owner Name Bonnie Holmes

Address 207 Fisherman Lane

City Seneca State SC Zip Code 29672

### Section 4: Project Information (Tell us about the project)

Project description: addt dry cove

Total value of completed project: \_\_\_\_\_

Is this project for an Oconee based nonprofit charity?  Yes  No

If yes, please provide DOR # \_\_\_\_\_

Please check all information that applies.

- |                                                 |                                                       |                                           |
|-------------------------------------------------|-------------------------------------------------------|-------------------------------------------|
| <input type="checkbox"/> Single family dwelling | <input type="checkbox"/> Remodel                      | <input type="checkbox"/> Electrical       |
| <input type="checkbox"/> Detached garage        | <input type="checkbox"/> Addition                     | <input type="checkbox"/> Plumbing         |
| <input type="checkbox"/> Townhouse              | <input type="checkbox"/> Demolition                   | <input type="checkbox"/> Mechanical       |
| <input type="checkbox"/> Duplex                 | <input type="checkbox"/> Exterior deck                | <input type="checkbox"/> Storage building |
| <input type="checkbox"/> Multi-family           | <input type="checkbox"/> New commercial structure     |                                           |
| <input type="checkbox"/> Commercial pool        | <input type="checkbox"/> Camper/ recreational vehicle |                                           |
| <input type="checkbox"/> Sprinkler Install      | <input type="checkbox"/> HUD Mobile Home              |                                           |
| <input type="checkbox"/> Park Model RV          | <input type="checkbox"/> Decal Only                   |                                           |

Other Zoning Use Permit

Does this project involve the use of any alternative materials, design, or methods of construction not prescribed in code?  Yes  No

Is this project within five feet of a property line? (if yes, a site plan is required)  Yes  No

Is this project sprinkled?  Yes  No

Are the structures floors, walls, and roof framed using anything other than wood?  Yes  No

Does this project have foundation walls that exceed the unbalanced fill requirements of the code?  Yes  No

Does this project have masonry fireplaces?  Yes  No

Is this tract of land restricted by any recorded covenant that is contrary to, or conflicts with, or prohibits the proposed activity?  Yes  No

**Section 4: Project Information - continued**

Sewer or Septic Permit #: \_\_\_\_\_

Water Source: \_\_\_\_\_ Heat Source: \_\_\_\_\_

Electric Provider:  
 Blue Ridge       Duke Power       Seneca L&W  
 City of Westminster      Other, please specify \_\_\_\_\_

Construction Type (commercial only): \_\_\_\_\_

Occupancy Type (commercial only): \_\_\_\_\_

Gas Company \_\_\_\_\_  Propane       Natural Gas

Number of bedrooms \_\_\_\_\_ Number of bathrooms \_\_\_\_\_

Number of stories (including basement) \_\_\_\_\_

Frame Type: \_\_\_\_\_ Foundation Type: \_\_\_\_\_

Roof Type: \_\_\_\_\_ Exterior Finish: \_\_\_\_\_

Including all garages, bonus rooms, and the basement, what is the total square footage of the structure being constructed?

BSMT: Heated \_\_\_\_\_ + Un-heated \_\_\_\_\_ = \_\_\_\_\_

1st: Heated \_\_\_\_\_ + Un-heated \_\_\_\_\_ = \_\_\_\_\_

2nd: Heated \_\_\_\_\_ + Un-heated \_\_\_\_\_ = \_\_\_\_\_

3rd: Heated \_\_\_\_\_ + Un-heated \_\_\_\_\_ = \_\_\_\_\_

Assessory: Heated \_\_\_\_\_ + Un-heated \_\_\_\_\_ = \_\_\_\_\_  
 (includes garages)

Porches total \_\_\_\_\_ Total Square Footage = \_\_\_\_\_

**Section 5: Manufactured Home, Camper, RV Details (not included in section 4)**

Manufacturer: \_\_\_\_\_ Year: \_\_\_\_\_

Model \_\_\_\_\_ Size \_\_\_\_\_

Color \_\_\_\_\_ Current Decal # \_\_\_\_\_

VIN Number (Serial Number) \_\_\_\_\_

Previous Owner \_\_\_\_\_

**Section 6: Moving Permit**

Current Location: \_\_\_\_\_ Tax map number: \_\_\_\_\_

Seller's name: \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Future location:  In county       out of county

Tax map number where home is going: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Buyer's name: \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**Official Use Only (out of county)**

Assessor Value \_\_\_\_\_ Ratio% \_\_\_\_\_

**Section 7: Signature**

NOTICE: The applicant is responsible for compliance with any applicable codes. Oconee County Building Codes Department is responsible for enforcement of Oconee County Ordinance 98-10. Value of completed project has a minimum cost index that is based on a valuation sheet provided by the International Code Council. If applicant's estimate is lower than the minimum cost index the cost index will apply. If any of the information supplied by the owner and/or owner's agent is incorrect, the permit may be revoked. THIS PERMIT WILL BECOME INVALID WITHIN 180 DAYS FROM DATE OF ISSUE IF: WORK HAS NOT COMMENCED, IF AN INSPECTION HAS NOT BEEN REQUESTED, OR IF WORK HAS BEEN SUSPENDED FOR A PERIOD OF 180 DAYS. The Building Official is authorized to grant extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code and other applicable laws and regulations which relate to the property.

Signature Bonnie L. Holmes Date 7/26/2012

Printed Name Bonnie L. Holmes

# Proposal for Loving Health Care Adult Care Facility

**Mission:** To enhance the highest quality of life for the client by providing services that focus on their individual needs.

**Services:** Bonnie Holmes, administrator of Loving Health Care, proposes giving care to clients in her home from 8:00 AM to 5:30 PM, Monday through Friday. Her service will offer friendships, as well as good old fashioned love and care, to clients who are often isolated by their infirmities. Services during care are tailored to fulfill the client's needs. Services include:

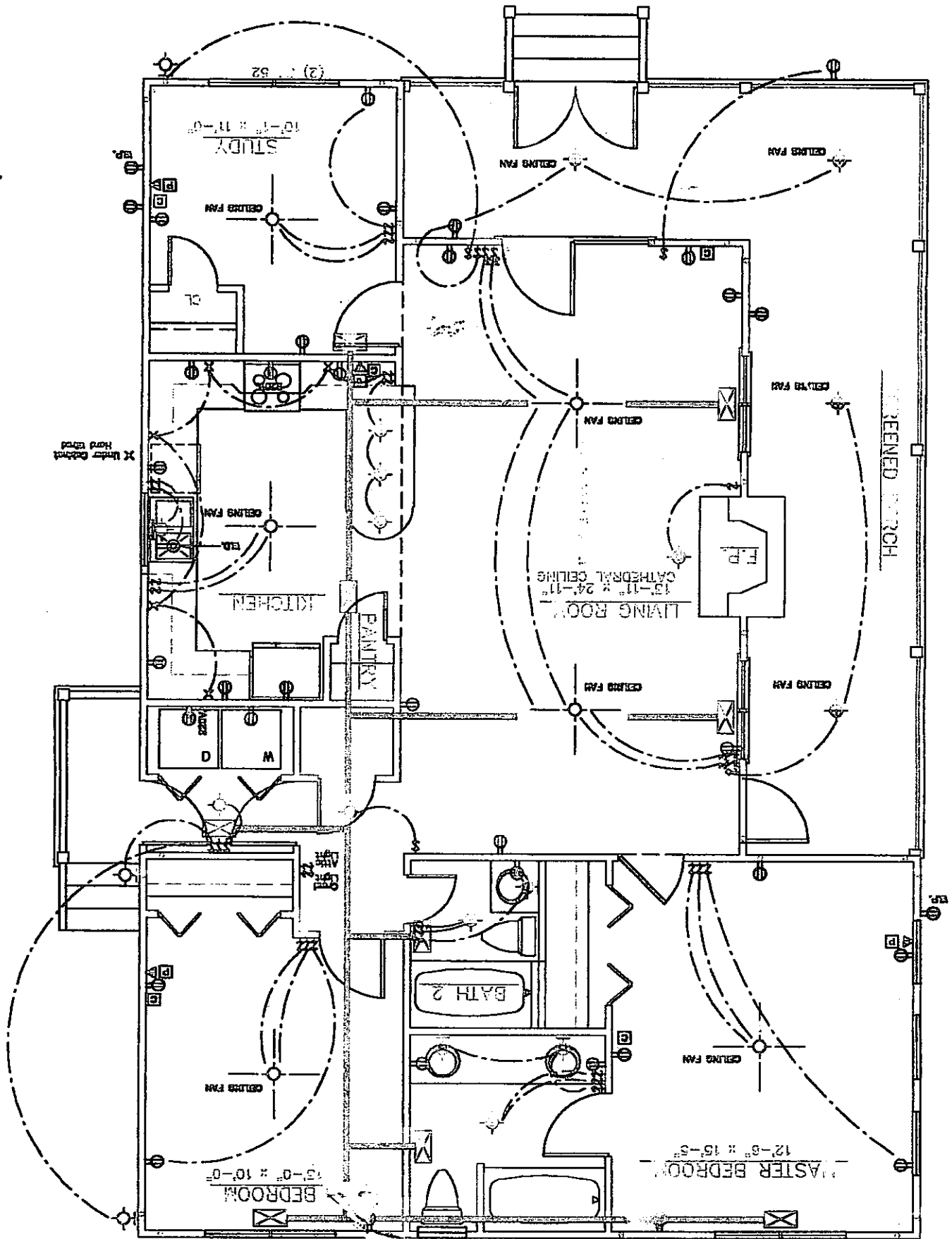
- Stimulation of the mind through activities such as games, puzzles, and arts and crafts
- Music Therapy (both singing and listening to music)
- Spiritual growth such as Christian meditation, bible reading and devotions
- Ambulation, outings, going to appointments
- Physical Therapy exercises
- Light yoga exercises
- Light Message Therapy
- Dog Therapy
- Nutrition, which includes healthy meals and snacks
- Incontinent care

## **Administator Qualifications and Education:**

Bonnie is an educator. She has been both a teacher and principal of elementary school for over 21 years. She was the prime caregiver for each of her parents in their later years and a volunteer in the Wellness Center at Cannon Memorial Hospital. She enjoyed the experience so much that in retirement she became a CNA and has been in the medical field caring for clients for over 10 years. Her education includes:

- 2003 Tri-County Technical College, Anderson, SC: CNA
- 2002-2003 Clemson University, Clemson, SC: Education
- 1971-1974 Brooklyn College, Brooklyn, NY: MA; Language Arts
- 1964-1966 New York University, NY, NY: MA; Elementary Education
- 1960-1964 Bridgeport University, Bridgeport, CT: BS; Elementary Ed.

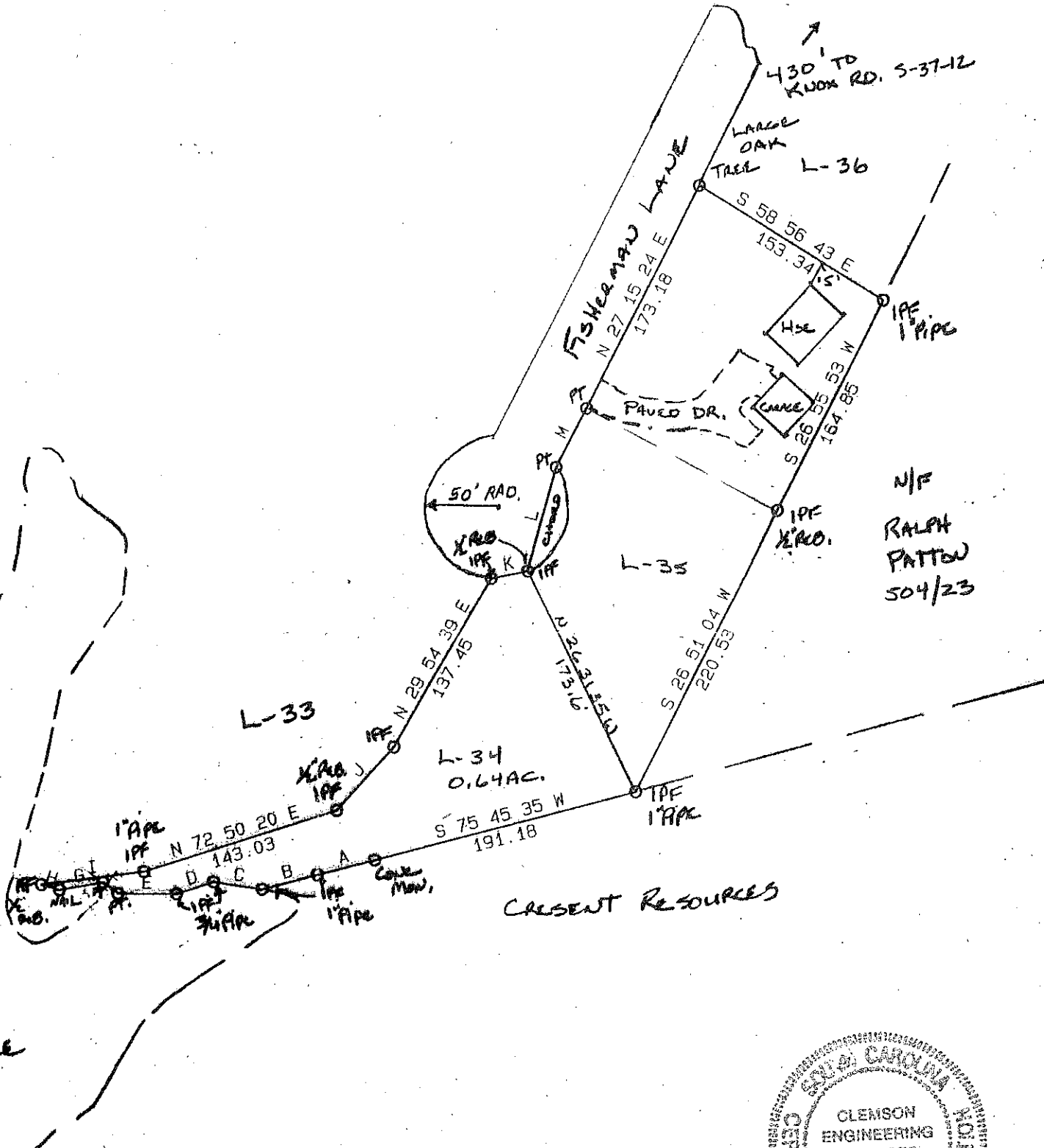
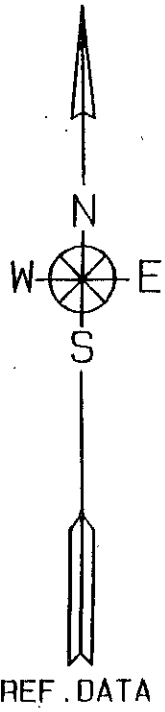
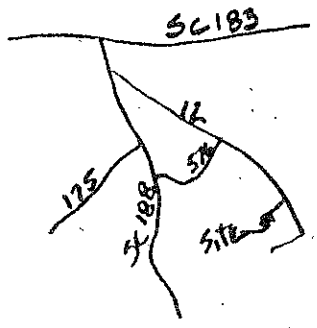
ELECTRICAL & MECHANICAL PLAN



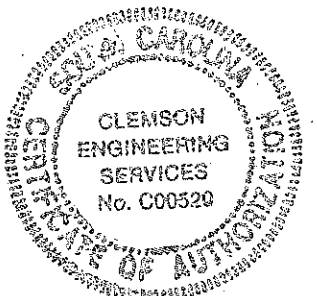
2007 SEP 21 P 2:31

LINE	BEARING	LENGTH
A	S 75 46 07 W	42.05
B	S 75 36 14 W	40.52
C	N 81 24 47 W	34.67
D	S 72 29 30 W	27.41
E	N 89 35 42 W	41.65
F	N 53 33 31 W	12.92
G	S 80 22 23 W	31.30
H	N 73 38 05 W	13.13
I	N 82 50 13 E	72.80
J	N 42 41 32 E	59.74
K	N 78 51 05 E	26.30
L	N 15 14 46 E	74.66
M	N 27 19 50 E	46.72

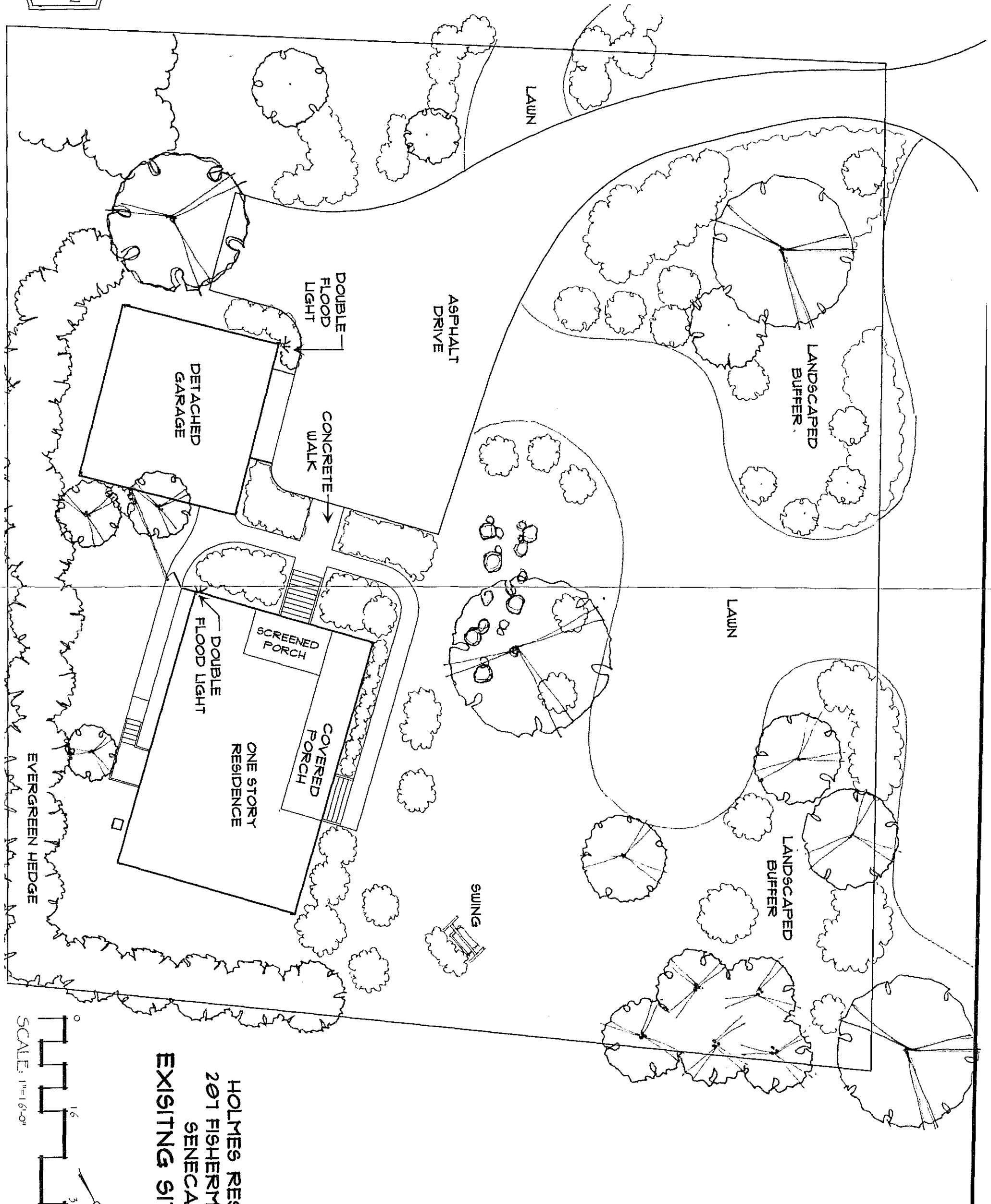
Recorded this 21 day of  
 Sept 2007  
 Vol BZZP 9, 10 and Certified  
 Register of Deeds, Oconee County



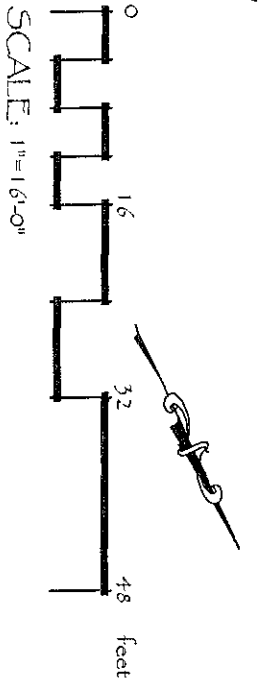
I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN.



CLEMSON ENGINEERING SERVICES	
ACREAGE- 1.79 (DMD) (TOTAL) PLAT OF UNBALANCED TRAVERSE PRECISION OF FIELD SURVEY- 1: 10000 SCALE 1 IN. = 100 FT. 	DATE: AUGUST 21, 2007 Revised 8/23/07 STATE OF SOUTH CAROLINA Revised 8/28/07 COUNTY OF OCONEE (H&C LOCATION) TOWNSHIP OF WAGENER LOTS 35, 39 (FORMERLY L-6 THORNBERRY DEV.) T.M. 50-00-01-040+369+038
PLAT PREPARED FOR  <b>BONNIE L. HOLMES</b>	AREA WAS CALCULATED BY THE DMD METHOD   R. JAY COOPER P.E. & L.S. 4682 PHONE 864-654-2573



**HOLMES RESIDENCE**  
**201 FISHERMAN LANE**  
**SENECA, SC**  
**EXISTING SITE PLAN**





Richard and Darcie Weiner  
213 Fisherman Lane  
Seneca, SC 29672  
August 7, 2012

Oconee County Board of Zoning Appeals  
415 S. Pine Street  
Walhalla, SC 29691

Dear Oconee County Board of Appeals;

Re: Tax Map # 150-00-01-369 a special exception related to purposed development at  
207 Fisherman Lane

We wish to object to approval, and are bordering the property in consideration.  
Fisherman Lane is a small private roadway, approximately .3 of a mile long; 207  
Fisherman Lane is 2/3 of the way down the road. This Lane is maintained by everyone in  
our Covenant, and is not designed to be subjected to the additional traffic, that the special  
exception development could create. Lighting for our roadway is also community  
provided and limited. We also feel and any signs needed would not be in the spirit of our  
small private residential community.

Thank you for your time and consideration in this matter.

Sincerely yours,

*Richard Weiner*  
*Darcie Weiner*

Richard and Darcie Weiner

КОНСТИТУЦИОННИ СУД

УСТАВНО ПРАВО

СЪОБЩЕНИЕ

Данни за конституционността на законите

за защита на конституцията

Въз основа на чл. 100, ал. 1, т. 1 от Конституцията на Република България и чл. 100, ал. 1, т. 2 от Конституцията на Република България, Конституционният съд е разгледал и е постановил следното:

1. Законът за защита на конституцията е в сила.

2. Законът за защита на конституцията е в сила.

3. Законът за защита на конституцията е в сила.

4. Законът за защита на конституцията е в сила.

5. Законът за защита на конституцията е в сила.

Уставно право

Закон за защита на конституцията

Закон за защита на конституцията

КОНСТИТУЦИОННИ СУД

# Oconee County Board of Zoning Appeals



415 S. Pine Street  
Walhalla, SC 29691  
Telephone (864)638-4218 Fax (864)638-4168

.....LEGAL AD.....

**PLEASE ADVERTISE IN THE NEXT ISSUE  
OF YOUR NEWSPAPER**

TO: DAILY JOURNAL [classadmgr@dailyjm.com]

The Oconee County Board of Zoning Appeals will conduct a public hearing on Thursday, August 23th, 2012 at 6:00 p.m. in the Council Chambers of the County Administrative Complex, 415 S. Pine Street, Walhalla, SC 29691. The applicant, Bonnie Holmes, is requesting a Special Exception to have a non-residential use, adult day care, in the Lake Keowee/Jocassee Overlay, located at 207 Fisherman Lane, TMS # 150-00-01-369. If you would like additional information concerning these requests, please contact the Planning Department at 864-638-4218.

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.....LEGAL AD.....

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TO: DAILY JOURNAL [classadmgr@dailyjm.com]

The Oconee County Board of Zoning Appeals conducted a public hearing on Thursday, August 16th, 2012 at 6:00 p.m. in the Council Chambers of the County Administrative Complex, 415 S. Pine Street, Walhalla, SC 29691. The first applicant, Walt Carter, requested a reverse of staff decision regarding a property located along Cane Creek Landing Road TMS# 193-00-02-004. The second applicant, Larry Brandt, requested a reverse of staff decision regarding the proposed rezoning of the properties along Biggerstaff Road and the surrounding area. The Board of Zoning Appeals moved the hearing for Cane Creek Landing Road and their decision for Biggerstaff Road and surrounding area to Thursday August 23, 2012 at 6:00 p.m. in the Council Chambers of the County Administrative Complex, 415 S. Pine Street, Walhalla, SC 29691. If you would like additional information concerning these requests, please contact the Planning Department at 864-638-4218.